

Brief History of the Prosecution

Dec. 19, 2001 Appln. No. 10/020,909 filed with the USPTO. Total claims: 28;
Independent Claims: 1, 17, 22, & 25

Feb. 06, 2007 Examiner's 4th Office Action. All claims rejected. Independent
claims 17 & 22 rejected under 35 U.S.C. Sec. 102 in view of Harada
(U.S. Patent No. 6,246,442). Independent claims 1 & 25 rejected
under 35 U.S.C. Sec. 103 in view of Harada and Shin (U.S. Patent
No. 5,808,914).

Dec. 04, 2007 Appellants filed an Appeal Brief with the U. S. Patent Office Board of
Patent Appeals & Interferences appealing against Examiner's Final
Rejection of all claims in the Office Action mailed on 02/06/2007.

Mar. 14, 2008 Examiner's Answer to Appellant's Appeal Brief filed on 12/04/2007
wherein Examiner has maintained all claim rejections.

Henceforth, (1) the Examiner's 4th Office Action mailed on 02/06/2007 is referred to as the "4th Office Action"; (2) the Appellant's Appeal Brief filed on 12/04/2007 is referred to as the "Appeal Brief"; and (3) the Examiner's Answer to Appellant's Appeal Brief, mailed on 03/14/2008, is referred to as "Examiner's Answer."

Grounds of Rejection to be Reviewed on Appeal

Claims 17-24 stand rejected under 35 U.S.C. Sec. 102(e) as being anticipated by Harada et al. (hereafter "Harada"), U.S. Patent No. 6,246,442, issued June 2001. Claims 1-16 & 25-28 stand rejected under 35 U.S.C. Sec. 103(a) as being unpatentable over Harada in view of Shin et al. (hereafter "Shin"), U.S. Patent No. 5,808,914, issued

September 1998.

ARGUMENTS

In the Examiner's Answer, the Examiner has maintained her rejection of claims 1-28 of the present application. Appellants respectfully submit the rejection of claims 1-28 is incorrect and should be overturned for the reasons explained below and earlier in the Appeal Brief.

Appellants submit that all claim rejections and arguments presented by the Examiner in the 4th Office Action have been fully addressed by us in the Appeal Brief. In the Appeal Brief, Appellants have explained in detail how the methods of the present invention are fundamentally different from the prior art methods cited by the Examiner (i.e., Harada & Shin). Nonetheless, in this Reply, Appellants will respond to the objections and arguments in the Examiner's Answer with a focus on the independent claims 1, 17, 22, & 25.

Claim Rejections - 35 U.S.C. Sec. 102

Claim 17:

Examiner has rejected independent claim 17 (See Examiner's Answer, Page 3, 3rd last line - Page 5, 4th line). These arguments are almost identical to the arguments given by the Examiner in the 4th Office Action and have already been replied to in our Appeal Brief (See Appeal Brief, Page 24, 4th last line - Page 26, line 10).

Also, in step (b) of claim 17, it is the ModDSR value of elements that is determined, not the size of a cell. The size of a cell is determined in a subsequent step

using the ModDSR values. By the Examiner's own admission, "Harada teaches determining the optimum size of a cell and adjusting the size of adjacent cells" (See Examiner's Answer, Page 4, line 10 - line 11). In other words, the Moderating Method (See Appeal Brief, Page 6, line 11 - Page 7, 3rd last line) of step (b) in claim 17 determines a moderated value (which is used later [i.e., in step (d)] to determine cell size), while Harada merely teaches directly determining the size of a cell. Thus, the steps of determining ModDSR (step (b)) and using it to determine cell size (step (d)) are missing from Harada.

Additionally, the Measuring the Lopsidedness method (See Appeal Brief, Page 7, 2nd last line - Page 8, last line) of steps (c) & (d) of claim 17 is not disclosed by Harada. Please see Appeal Brief, Page 25, line 8 - Page 26, line 10 for an explanation of how the the Measuring the Lopsidedness method is different from the methods disclosed by Harada.

Thus, steps (b), (c) & (d) of claim 17 are not disclosed by Harada and the method of claim 17 is patentably different from Harada.

Claim 22:

Examiner has rejected independent claim 22 (See Examiner's Answer, Page 6, line 1 - last line). However, the Examiner has not cited any prior art which teaches step (b) of claim 22. Since Harada does not disclose step (b) of claim 22, it is also patentable over the prior art.

Claim Rejections - 35 U.S.C. Sec. 103

Examiner has rejected independent claim 1 (See Examiner's Answer, Page 8, line

4 - Page 10, line 11). These arguments are almost identical to the arguments given by the Examiner in the 4th Office Action and have already been replied to in our Appeal Brief (See Appeal Brief, Page 27, line 16 - Page 31, line 3).

Also, in step (b) of claim 1, it is the ModDSR value of the elements that is determined, not the size of a cell. The size of a cell is determined in a subsequent step using the ModDSR values. By the Examiner's own admission, "Harada teaches determining the optimum size of a cell and adjusting the size of adjacent cells" (See Examiner's Answer, Page 8, 4th last line - 3rd last line). In other words, the Moderating Method (See Appeal Brief, Page 6, line 11 - Page 7, 3rd last line) of step (b) in claim 1 determines a moderated value (which is used later [i.e., in step (c)] to determine cell size), while Harada merely teaches directly determining the size of a cell. Thus, the steps of determining the ModDSR (step (b)) and using it to determine cell size (step (c)) are entirely missing from Harada, and hence, the method of claim 1 is different from Harada.

In the Examiner's Answer (Page 21, line 9 - Page 23, last line), the Examiner argues that Shin discloses the Moderating Method (step (b)) of claim 1 since "Shin teaches applying a linear equation and a section constraint condition for setting the height and width of a table cell, row and column (See Examiner's Answer, Page 21, 2nd last - last line). The Moderating Method (See Appeal Brief, Page 6, line 11 - Page 7, 3rd last line) of step (b) in claim 1 determines a moderated value (which is used later [i.e., in step (c)] to determine cell size). In contrast, it is completely unclear from the words "applying a linear equation and a section constraint condition" what specific steps are taught by Shin. Thus, claim 1 is not disclosed by either Harada or Shin, taken individually or in combination, and should be allowed over the cited prior art.

Appellant's Reply to Examiner's Arguments

Claim 17:

In the Examiner's Answer (Page 14, 4th last line - Page 18, line 17), the Examiner argues that Harada discloses the Moderating Method (step (b)) and Measuring Lopsidedness method (steps (b), (c), (d)) of claim 17. Appellants respectfully disagree for the reasons explained in the section titled "**Claim Rejections - 35 U.S.C. Sec. 102**" described above. Thus, claim 17 is not anticipated by Harada and the Examiner is mistaken in rejecting claim 17.

Claim 22:

In the Examiner's Answer (Page 19, line 2-3), the Examiner correctly notes that "Appellant does not present substantive arguments against the rejection of claim 22". However, the Examiner has not mentioned that in the Appeal Brief the Appellants had pointed out to the Examiner that in her reply in the 4th Office Action Examiner "has not dealt with the specific steps of the present invention (See claim 22)" (See Appeal Brief, Page 22, line 14). In the Examiner's Answer, the Examiner has now rectified this error (See Examiner's Answer, Page 6). And the Appellants have responded to the Examiner's new arguments relating to claim 22 in the section titled "**Claim Rejections - 35 U.S.C. Sec. 102**" described above and explained why Harada does not anticipate claim 22. Thus, claim 22 is patentable is also patentable over the prior art.

Claim 1:

In the Examiner's Answer (Page 20, 6th last line - Page 21, line 8), the Examiner argues that in step (c) of claim 1, Harada discloses "the conditional allocation of column widths or row heights based on space required by content, i.e., lopsidedness" (See Examiner's Answer, Page 21, lines 4-5). The Examiner is perhaps confused as "lopsidedness" method relates to steps (c) & (d) of claim 17 and not to step (c) of claim 1.

As explained earlier in the section titled "**Claim Rejections - 35 U.S.C. Sec. 103**" shown above, Moderating Method (step (b)) and allocating column widths and row heights, based on the ModDSR values method (step (c)) are not disclosed by Harada.

In the Examiner's Answer (Page 21, line 9 - Page 23, last line), the Examiner argues that Shin discloses the Moderating Method (step (b)) of claim 1 since "Shin teaches applying a linear equation and a section constraint condition for setting the height and width of a table cell, row and column (See Examiner's Answer, Page 21, 2nd last - last line). Appellant's respectfully disagree for the reasons explained in the Appeal Brief (Page 29, line 3 - Page 31, line 3).

As explained above, neither Harada nor Shin, taken individually or in combination, teach the Moderating Method of claim 1 and other similar claims. Thus, claim 1 is not obvious and Examiner is mistaken in rejecting claim 1.

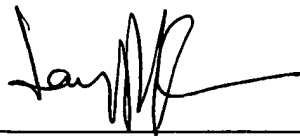
Claim 25 reflects the computer system used for implementing the method as claimed in claim 1 and contains the same limitations as claim 1. Thus, independent claim 25 is also patentable over the prior art.

Conclusion

Since independent claims 1, 17, 22, & 25 are patentable over the prior art, so are all the other claims which depend from them.

The Appellants respectfully request the Board to reverse the Examiner's rejections and permit the case to be placed in a condition for allowance.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Jay P. Kesan', written over a horizontal line.

Jay P. Kesan (Reg. No. 37,488)
Attorney of Record